REMARKS

Claims 1-22, 33, and 34 are pending.

Claims 1-22, 33, and 34 have been rejected.

Claims 1, 2, 12, 13, 33, and 34 have been amended. No new matter has been added. Support for the amendments to can be found, at least, within paragraphs [0015], [0022], [0023], and [0046] of the specification.

Double Patenting

Claims 1-22, 33, and 34 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as purportedly being unpatentable over claims 1-24 of U.S. Patent Application No. 10/696,156. While Applicants do not agree with this rejection, in order to expedite prosecution, appropriate terminal disclaimers accompany this response. Accordingly, Applicants respectfully submit that this rejection has been overcome.

Rejection of Claims under 35 U.S.C. § 103

Claims 1-22 and 33-34 stand rejected under 35 U.S.C. § 103(a) as purportedly being unpatentable over U. S. Patent No. 5,708,828 ("Coleman") in view of U.S. Patent Publication No. 2002/0178077 ("Katz"), and further in view of U.S. Patent No. 5,446,880 ("Balgeman"). Applicants respectfully traverse this rejection.

Independent Claims 1 and 12

Applicants respectfully submit that neither Coleman nor Katz nor Balgeman, alone or in any combination, teach or suggest, at the very least, that in the course of synchronizing inventory balance information between a source and target system, information in an intermediate format includes generating an inventory balance delta, where (1) the inventory balance delta is calculated as a difference between a source inventory balance and a target inventory balance, (2) source inventory balance information in an intermediate format has been extracted from the source system and comprises the source inventory balance, and (3) target inventory balance information in an intermediate format has been extracted from the target system and comprises the target inventory balance. The above limitations are in claim 1, and comparable limitations are recited in claim 12.

As an initial matter, Applicants respectfully submit that the Office Action assertion of Balgeman's inherent teaching of the claimed "generating" limitation does not satisfy either judicial standards of inherency or U.S. Patent and Trademark Office standards of inherency. Applicants submit that if there is more than one method for performing an action, then no single method for performing the action can be inherent. The MPEP details the following guidelines by which an inherency argument must be made:

> The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (reversed rejection because inherency was based on what would result due to optimization of conditions, not what was necessarily present in the prior art); *In re Oelrich*, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981). "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.' " *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (citations omitted).
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> MPEP, 2112, section IV (emphasis added).

A computer system may be updated by receiving new information that replaces original information, as in Balgeman. *See*, *e.g.*, Balgeman 8:54-60. A computer system may also be updated by receiving a delta value by which original information in the computer system is adjusted, as claimed. Further, Applicants submit that there exist additional methods by which information in a computer system may be updated. In other words, if more than one method exists for performing an action, no single method can necessarily be inferred. This stated rationale is supported by the following section of the MPEP:

> "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *Ex parte Levy,* 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original).
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> MPEP, 2112, section IV (emphasis in original).

Thus, Applicants respectfully submit that no single method for updating information in a computer system can be said to be inherent. More specifically, because Balgeman is completely silent on anything comparable to generating an inventory balance delta, where the delta accounts for a difference between a source inventory balance and a target inventory balance, Balgeman

cannot be said to inherently teach or suggest the claimed "generating an inventory balance delta" limitation.

Balgeman is cited as purportedly teaching calculating a difference between a source balance and a target balance. *See* Office Action, citing Balgeman 8:54-60, and claims 3, 6, 7, and 9. The first cited section of Balgeman is the following passage:

> Subsequent updates of the record by any node are automatically distributed to the other nodes by utilizing a standardized record format. Thus, the present invention provides an enhanced communication system allowing independent database flexibility while still providing the relevant nodes in the network with up-to-date records.
>
> Balgeman 8:54-60.

Notwithstanding other infirmities, Applicants respectfully submit that this passage in Balgeman is completely silent on the generation of any kind of inventory balance delta, and particularly one which represents a difference between a source inventory balance and a target inventory balance. Further, Balgeman offers no teaching of any type of delta or comparison between anything comparable to the claimed values. At best, this section of Balgeman is disclosing a simple record update distribution. Introducing the concept of inventory balance information would do nothing to address Balgeman's silence on performing any type of delta generation.

The Office Action next cites claim 3 of Balgeman, which recites the following limitations:

> The system according to claim 1 further comprising
> means associated with said second node for automatically transmitting a copy of an updated first record based on the original record from said second database to the first database containing the corresponding original record, said first database storing said updated first record.

Applicants respectfully submit that this passage in Balgeman is completely silent on the generation of any kind of inventory balance delta accounting for a difference between a source inventory balance and a target inventory balance. At best, similar to the earlier cited passage in Balgeman, this passage merely discloses transmitting a simple record update. The claims cited from Balgeman (claims 6, 7, and 9) are equally silent on any elements that might somehow be successfully equated to this claimed limitation.

Coleman is cited as purportedly teaching the claimed limitations directed to "synchronizing", "extracting", and "converting." *See* Office Action, p. 5. Notwithstanding other deficiencies of the Office Action's position, Applicants respectfully submit that Coleman fails to teach or in any way suggest features in any way comparable to "generating" limitation. As conceded by the Office Action, Coleman fails to disclose inventory balance information. *See* Office Action, p. 7. Lacking any ability to consider inventory balance information, it is not possible for Coleman to consider calculating an inventory balance delta between a source inventory balance and a target inventory balance.

Katz is cited as purportedly teaching inventory balance information. However, Katz is silent on synchronizing a source and target system, and further, doing so by generating an inventory balance delta between a source inventory balance and a target inventory balance. While the Office Action cites various sections of Katz (¶¶ [0039], [0040], and [0220]), none of these sections are cited as teaching, and indeed, even remotely applies to the claimed "generating an inventory balance delta."

For at least these reasons, Applicants submit that neither Coleman nor Katz nor Balgeman, alone or in combination, provide disclosure of all the limitations of independent claims 1 and 12, and all claims depending therefrom, and that these claims are in condition for allowance. Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the rejections to these claims.

Dependent Claims 2, 33, and 34

Dependent claims 2, 33, and 34 present features related to the claimed "generating an inventory balance delta" limitation claimed in independent claim 1. In claim 1, an integration server performs the "generating an inventory balance delta" limitation, where the inventory balance delta "represents a difference between a source inventory balance and a target inventory balance." Dependent claims 2, 33, and 34 provide the underlying features by which the integration server obtains and uses the target inventory balance from a target computerized inventory management system.

Dependent claim 2 recites, "requesting existing target inventory balance information from the target computerized inventory management system, wherein the requesting is performed by the integration server." Dependent claim 33 recites, "receiving the existing target inventory balance information from the target computerized inventory management system, wherein the receiving is performed by the integration server." Dependent claim 34 recites,

"converting the existing target inventory balance information in the target format into existing target inventory balance information in the intermediate format."

Thus, dependent claims 2, 33, and 34 recite limitations directed to features by which the claimed integration server might request and receive information from the target system before converting that information for use by the integration server in performing the claimed "generating an inventory balance delta." Because Balgeman is completely silent on anything comparable to the claimed "generating" limitation (as discussed above), it necessarily follows that Balgeman would also be silent on any features related to implanting the claimed "generating an inventory balance delta" limitation. Neither Coleman nor Katz are cited for any teachings related to the claimed "generating" limitation.

For at least these reasons, Applicants submit that neither Coleman nor Katz nor Balgeman, alone or in combination, provide disclosure of all the limitations of dependent claims 2, 33, and 34, and that these claims are in condition for allowance. Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the rejections to these claims.

CONCLUSION

Applicants submit that all claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicants hereby petition for such extensions. Applicants also hereby authorize that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,

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